Meeting Minutes March 4, 2004

Town of Los Altos Hills City Council Regular Meeting

Thursday, March 4, 2004 6:00 P.M. Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Cheng called the Regular Meeting of the City Council to order at 6:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Emily Cheng, Mayor Pro Tem Mike O'Malley, Councilmember

Bob Fenwick, Councilmember Breene Kerr and Councilmember Dean

Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas,

Planning Director Carl Cahill, Administrative Services Director Sarah

Joiner and City Clerk Karen Jost

Press: None

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to limit the length of time for public comments to three minutes.

Passed by Consensus: To reorder the agenda and consider Item 6.1 under Item 2.

2. APPOINTMENTS AND PRESENTATIONS

3. PLANNING COMMISSION REPORT

None. Planning Director Cahill noted that the Planning Commission has not met since the last Regular City Council Meeting.

4. CONSENT CALENDAR

Item Removed: Item 4.6 (O'Malley)

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously, to approve the remainder of the consent calendar, specifically

- 4.1 Approval of Minutes: Regular City Council Meeting February 19, 2004
- 4.2 Review of Disbursements: 02/12/2004 02/25/2004 \$117,272.95

- 4.3 State Budget Update
- 4.4 Adoption of an Ordinance Amending Title 5 of the Municipal Code by Amending Chapter 5 Entitled "Soliciting and Peddling"
- 4.5 Notification of Fast Track Approval: A Request for a Site Development Permit for a New Single Story Residence with an attached 1,000 square foot Secondary Dwelling Unit and Swimming Pool, Lands of Kita, 24931 Oneonta Drive
- 4.7 Resolution Designating April "Child Abuse Awareness Month" Mayor Cheng Resolution No. 9-04
- 4.8 Approval of Contract of Contract Work by Collection Systems Maintenance Service for 2004 Sanitary Sewer Cleaning and Video Inspection

Item Removed:

4.6 State of the City Address-Annual Summary of Town Projects and Activities March 6, 2003 to Date

Mayor Pro Tem O'Malley explained that he had requested this item be removed from the Consent Calendar for separate consideration to afford him the opportunity to congratulate the City Manager and Staff on the wealth of projects that had been completed last year. He added that this speaks well of the Town Staff and the Mayor for a very successful year.

City Manager Cassingham thanked O'Malley and explained that it was a true team effort.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously to receive and file the Annual Summary of Town Projects and Activities March 6, 2003 to Date.

5. UNFINISHED BUSINESS

- 5.1 Update on Mayor's Goals
 - 5.1.1 New Town Hall Status Report

Councilmember Kerr reported that he had begun negotiations with the Los Altos School District for lease of Bullis School as temporary quarters for Town Hall and staff. The talks have been positive. He is requesting a lease term of a minimum eight months and maximum fifteen months.

Kerr added that he had received notification that the Town's Green Energy Program hadbeen approved for the CEC Energy Efficiency Financing Program loan in the amount of \$160,000. He will provide Council with more project details at the next Council meeting.

5.1.1a Consideration of an Agreement for Services between the

Town of Los Altos Hills and Toeniskoetter & Breeding, Inc. for Construction Management Services

Mayor Pro Tem O'Malley explained that Council had before them an agreement between the Town of Los Altos Hills and TBI, Inc. for construction management services. The agreement is the result of negotiations between City Manager Cassingham, Benjamin Reyes-Assistant to City Attorney Steve Mattas, himself and Anthony Mirenda, President of TBI. He believes it is a good contract, very explicit and meets the project budget requirements. The proposed original contract price has been reduced by approximately \$50,000.

Council thanked O'Malley for his effort on the agreement.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to adopt Resolution 10-04 authorizing an Agreement between the Town of Los Altos Hills and TBI Construction to provide construction management services for the new Town Hall project.

5.1.2 Undergrounding of Utilities – Status Report

Councilmember Warshawsky reported that Godbe Research would begin their scientific survey today (March 3, 2004) and conclude the project on March 17, 2004. He expects the findings of the survey to determine if there is enough support from residents to place the issue on the November Ballot. Warshawsky noted that the final Godbe report will be available in April, 2004.

5.1.3 Master Pathway Map – Status Report

• Update on Town-wide Map Review Notification

City Manager Cassingham noted that Pathways Committee Chairman Chris Vargas had requested the "Update on Town-wide Map Review Notification" be continued to the March 18, 2004 Regular City Council Meeting. Staff and the Committee are reviewing options for the purpose of notifying residents for the public participation process.

Dot Schreiner, Path Map Group, reported that the group is reviewing several pages of Resolution Indices to garner and confirm path easement information. Schreiner added that Chris Vargas had scheduled a meeting with the Town's Assistant Engineer John Chau to discuss the path map identification method of the "layering" of easements. Schreiner noted that she and Carol Gottlieb would also attend the meeting.

5.1.4 Storm Water Master Plan – Status Report

City Manager Cassingham reported that Nolte Consultants had identified twenty four (24) locations where storm drain improvements are recommended. Staff is reviewing the sites and will be prioritizing them by cost and need. Staff will be reporting back with recommendations to Council on which locations should be considered for future CIP expenditures.

5.1.5 Visit to China to Explore Business Opportunities – Status Report

Mayor Cheng reported that the trip was being finalized. There are twelve residents currently signed up to participate in the China trip and four additional residents have called and expressed interest in joining the group. A website will be available during the visit to monitor the group's travels and city visits.

6. NEW BUSINESS

6.1 Consideration of Appointment of Youth Commissioner

Duffy Price, Community Relations Committee member, introduced Youth Commissioner applicant Wei Wei Liu to the Council.

Ms. Liu addressed Council. She explained that she is very involved at her school and with volunteer commitments but would like to broaden her involvement on a local basis and looks forward to participating at the municipal level as the Town's Youth Commissioner.

Jim Abraham, Viscaino Road, commented that he has know Wei Wei for many years and described her as a bright, talented, creative young person that would be an asset to the Town's volunteer program. He supported her appointment.

Roy Woolsey, Committee Relations Committee Chairman, explained that Wei Wei had attended the last Community Relations Committee meeting. The Committee had reviewed Resolution 23-89 that establishes the position of Youth Commissioner and believes it should be amended to increase responsibilities of the position and establish the Youth Commissioner as an Associate Member of the Community Relations Committee. They will be forwarding their recommendations to Council for consideration.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to appoint Wei Wei Liu to the position of Youth Commissioner.

Mayor Cheng thanked Ms. Liu for applying and welcomed her to the Town's position of Youth Commissioner.

6.2 Consideration of Mora Heights Sewer Requests – Lawrence Hall

City Manager Cassingham reported that Council had before them the latest communication from Lawrence Hall. He is requesting a continuation of this item to the March 18, 2003 Regular City Council Meeting.

Lawrence Hall, Husher Project Architect, concurred.

Mayor Pro Tem O'Malley commented that Hall's letter to Council dated February 26, 2004 contains several issues that are not factually correct. O'Malley offered to send a response to Hall's letter (February 26, 2004) and will copy the City Manager and City Attorney to ensure that they will be discussing Hall's request from a factual basis at the March 18th Council meeting.

Mayor Cheng clarified the reference in Hall's letter to a statement that he purported to her making at the San Antonio Hills Homeowners meeting. Mayor Cheng intended to say that the Town at this current time cannot accommodate any more annexations because we do not have any sewer capacity rights available.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Mayor Cheng announced that Former Los Altos Hills Mayor Bob Johnson had agreed to serve on the North Los Altos Library Authority with the Mayor as the Los Altos Hills representatives.

Mayor Cheng reported that she had been in attendance at the EOC exercise and was very impressed with the test and staff's response to the simulated emergency.

Cheng added that Measure B had been defeated at the March election. There are plans to return the library funding measure to the voters for consideration at the June 2005 election.

Councilmember Fenwick reported that he had participated in the February 24 EOC emergency drill that was convened to respond to a simulated earthquake. Fenwick explained that he was in the field with the Town's ham operators reporting to the Town's EOC center on damage and people in distress. He noted that they found no areas in Town where the hams were unable to communicate with the EOC center.

Fenwick remarked that he had also attended the Emergency Communication Committee meeting. Public Safety Officer Steve Garcia provided a report to the Committee on his prospective of the February 24th drill. Garcia had been responsible for the development of the script for the exercise and coordinating attendance from the outside agencies.

Fenwick reported that he had attended the February 26th Town meeting for residents that was scheduled for the purpose of gathering public comment on the cable franchise renewal. City Manager Cassingham, Cable Consultant Carl Pilnick and resident Jim Abraham were also in attendance.

Councilmember Kerr reported on his VTA activities. He has joined with other representatives of North Peninsula Cities to form a "subgroup" to ensure that the VTA addresses concerns from this region. They are particularly interested in assuring that the Cal Train commuter trains are supported and upgraded noting that this is the only mass transit that is available for the residents on the peninsula.

7.1 Town Picnic and Newcomer Welcoming Reception-Roy Woolsey, Chair, Community Relations Committee

Councilmember Fenwick, Council liaison to the Community Relations Committee explained that Council had before them complete details on the Committee's funding request.

Duffy Price, Community Relations Committee, in response to a question from Council, explained that the Committee will be working to address issues of non residents attending the picnic and people bringing dogs. The invitation is extended to family members of Town residents and the committee will advertise the "No Dogs Allowed" rule.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Fenwick and passed unanimously to approve the expenditure requests from the Community Relations Committee for the Town Picnic and Newcomer Welcoming Reception.

8. STAFF REPORTS

8.1 City Manager

City Manager Cassingham reported on the February 24, 2004 EOC exercise. Town staff, Town elected officials, ham radio operators from the Town's Emergency Communications Committee, County Office of Emergency Services staff, Sheriff's Department representatives and observers from the City of Sunnyvale participated in the simulated earthquake drill. It was a two hour exercise and afforded the opportunity to review the ability of the Town's Emergency Operations Center to perform during a disaster. The staging was under the direction of Town Public Safety Officer Steve Garcia and had taken more than two months of comprehensive preparation. The event was very impressive and successful in meeting its objectives and identifying areas for improvement. Cassingham explained that the next drill will most likely be four hours in duration and scheduled for mid to late summer.

Cassingham announced that as a result of efforts by the Finance and Investment Committee, Administrative Services Director Sarah Joiner and Accountant/Office Manager Cindy Higby, the Town has received an award from the California Society of Municipal Finance Officers for the 2002-2003 Comprehensive Annual Financial Report (CAFR). The report is also being considered for a national award. Cassingham noted that this was the first statewide financial award the Town had received.

Council congratulated Sarah Joiner and Cindy Higby.

Cassingham reported that Dr. Fong, Foothill College President, has offered to address Council at a future meeting to discuss Measure E construction projects and related impacts at Foothill College. The college is very mindful of residents' concerns.

Council agreed that they would appreciate having the opportunity to discuss the upcoming projects with Dr. Fong.

- 8.2 City Attorney
- 8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

Mayor Cheng requested a discussion of Council meeting schedule for summer months be agendized for the next meeting.

10. PRESENTATIONS FROM THE FLOOR

Dot Schreiner, Saddle Mountain Drive, commended the Community Relations Committee and Newsletter Editor Duffy Price on the superb recent Town Newsletter.

Roy Woolsey, Community Relations Committee Chairman, addressed Council. Two proposals have been forwarded to Council from his Committee for their consideration as item 7.1 – the Town Picnic and the Newcomer's Reception. The Town Picnic's proposal assumes that 1200 residents will attend at a cost of \$16,000. The Newcomers Reception proposal is for the event to be held at the Mayor's residence or Morgan Manor as an alternative site and is budgeted for \$1,000.

Woolsey added that at their next meeting, the Community Relations Committee will be considering the invitation that was sent to Mayor Cheng from NASA for Town residents to attend a private evening at the NASA Mars Center.

PASSED BY CONSENSUS OF COUNCIL: To reopen "Presentations From The Floor" to permit additional comment from resident Cyrous Gheryi.

Cyrous Gheryi, Elena Road, explained that he was before Council to find out what action they had taken at their last meeting regarding his letter during the closed session. City Attorney Steve Mattas responded that he had been directed by Council to send Mr. Gheryi a letter and it had been mailed out last week. Gheryi explained that he had not received the correspondence and was provided a copy by the City Attorney. Mattas offered to set up a meeting with Mr. Gheryi to discuss his issues and the contents of the response letter. Gheryi stated that Council has not addressed the water problem on his property and he can not sell the property until it is resolved.

Mayor Cheng suggested that Gheryi schedule a meeting with the City Attorney. The City Attorney accommodated Gheryi by momentarily stepping away from the Council meeting and scheduling a meeting with him.

11. PUBLIC HEARINGS

11.1 A request for a Conditional Use Permit and a Site Development Permit for the replacement of a 3,700 square foot Town Hall building with a

new 8,576 square foot structure and a variance to allow parking to encroach into the setback on a 2.72 acre site.

Planning Director Carl Cahill reported that numerous public meetings had been held on the project and the community had a good understanding of the proposal. For clarification on the parking variance that is before Council, Cahill explained that the new parking lot is in the same location and the overall paving in the setbacks will be decreased. The variance is required because there will still be some paving in the setback due to the constrained narrow lot.

Councilmember Fenwick explained that he was concerned about Rule 3a of the Conditional Use Permit that prohibits the use of outdoor sound amplification. He noted that this would restrict the use of a public address system for Town events such as the Newcomer's Welcoming Reception. He requested clarification from staff if there were any other public facilities with a similarly restrictive CUP.

Cahill noted that recently approved Conditional Use Permits had permitted public address systems for some events.

In response to a question on the CUP item #4, Cahill explained that this could be amended to allow temporary trailers in the setbacks. The City Council had permitted this for residential construction project trailers on restrictive lots.

OPENED PUBLIC HEARING

Peter Duxbury, AIA, Architect of the new Town Hall addressed Council and explained that he was present to answer any questions. Regarding temporary parking, Duxbury noted that the site was very restrictive and he would like some latitude in the location of the temporary trailers.

Jim Abraham, Viscaino Road, urged Council to consider amending the Conditional Use Permit and eliminating the restrictions on amplified sound. He noted that the Town should not be treated any different than a residence. He is concerned that only permitting a limited number of events with a public address system could be problematic.

John Harpootlian, Audio-Visual Sub-Committee Member New Town Hall, explained that his group is reviewing the option of locating down directed speakers in the interior courtyard that could be used for City Council meetings. These would accommodate over flow crowds or residents that wish to participate in a conversation but continue to hear the meeting and not disturb the meeting attendees. Harpootlian concurred that the restriction would be problematic.

CLOSED PUBLIC HEARING

Council discussion ensued. Council agreed that the only issues that needed to be addressed were the restrictions on the outdoor sound on the site and location of temporary trailers during construction. Council concurred that Conditional Use Permit Condition 3a should be deleted. This action would be in the spirit of treating the Town Hall the same as a Town residence. Sound amplification would only be used for Town

functions and the issue could be revisited if there were any problems or complaints in the future. CUP Condition 4 regarding location of temporary trailers should be amended to only restrict locating the trailers in property setbacks near residences.

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by Kerr and passed by the following roll call vote to approve the Site Development Permit for construction of a new Town Hall building and the Conditional Use Permit with the following modifications: deletion of item 3a "No outdoor sound amplification shall be allowed on the site. Noise levels shall be limited to comply with the provisions of Section 5-2.02 of the Los Altos Hills Municipal Code"; and item 4 amended to read "Temporary office trailers located on-site during the construction phase of the project shall not be located in property setbacks adjacent to residences and shall be removed from the site within 30-days of final inspection of the building."

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,

Councilmember Kerr and Councilmember Warshawsky

NOES: None ABSENT: None ABSTAIN: None

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Fenwick and passed by the following roll call vote to approve the setback variance for parking at the new Town Hall, 26379 Fremont Road as approved by the Planning Commission at their February 12, 2004 meeting.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,

Councilmember Kerr and Councilmember Warshawsky

NOES: None ABSENT: None ABSTAIN: None

Council adjourned to Closed Session at 7:30 p.m.

12. CLOSED SESSION

CLOSED SESSION: EMPLOYEE PERFORMANCE EVALUTATION: CITY MANAGER: PURSUANT TO GOVERNMENT CODE SECTION 54957

CONFERENCE WITH LABOR NEGOTIATOR(S):PURSUANT TO GOVERNMENT CODE SECTION 54957.6: AGENCY DESIGNATED REPRESENTATIVE: MAYOR/CITY ATTORNEY; UNREPRESENTED EMPLOYEE: CITY MANAGER

<u>CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills</u>

The City Council reconvened to the Regular City Council meeting at 7:46 p.m.

13. ADJOURNMENT

City Council gave direction to the City Attorney to prepare an amendment to the City Manager's contract.

There being no further business, the Regular City Council Meeting was adjourned at 7:47 p.m.

Respectfully submitted,

Karen Jost City Clerk

The minutes of the March 4, 2004 Regular City Council Meeting were approved at the March 18, 2004 Regular City Council Meeting.